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FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

NOV 18 2019

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13 Attorneys for Defendant, John Elroy Wessman

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 IN AND FOR THE COUNTY OF RIVERSIDE  
17 INDIO BRANCH

18 THE PEOPLE OF THE STATE OF  
19 CALIFORNIA,

CASE NO.: INF1901460

20 Plaintiff,

[PROPOSED] ORDER GRANTING  
MOTION TO FILE WESSMAN'S MOTION  
TO SET ASIDE THE INDICTMENT  
UNDER SEAL [CAL.RULE OF COURT  
2.551]

21 v.

22 John Wessman, et al.

DATE: November 13, 2019

TIME: 8:30 a.m.

DEPT: 3R

Judge: HON. HAROLD W. HOPP

23 Defendants.

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25  
26 Defendant John Wessman ("Wessman") has moved this Court ex parte for an  
order allowing him to seal his Motion to Set Aside the Indictment (California Penal Code §  
27 995) and Non-Statutory Motion to Dismiss as to Defendant John Wessman and  
28

1 supporting declaration under seal until final resolution of this case. ("Motion to Seal") As  
2 set forth in the Motion to Seal, as of November 8, 2019, Wessman has lodged the  
3 following documents with the Court as of conditionally under seal and has publicly filed  
4 redacted versions with this Court:

- 5 1. Motion to Set Aside the Indictment (California Penal Code § 995) and Non-  
6 Statutory Motion to Dismiss as to Defendant John Wessman ("Motion to Set Aside"); and  
7 2. Declaration of Patrick E. Murray in support of the Motion to Set Aside.

8 Wessman's Motion to Seal is made on the basis that the above documents refer to, quote  
9 from, and generally discuss issues documented in the transcript of the grand jury  
10 proceedings in this matter. Having read and considered the parties' papers and relevant  
11 authorities, having heard oral argument, and with good cause appearing, the Court  
12 ORDERS as follows:

- 13 1. There exists overriding interests that overcome the right of public access to  
14 the record. These interests are the Wessman's right to a fair trial under the  
15 California and United States Constitutions, and the fact that the grand jury  
16 transcript is currently conditionally seal.
- 17 2. The overriding interests supports sealing the defense's motion because  
18 Wessman is entitled to a fair and impartial trial, and because a record filed  
19 publicly with the court must not disclose material contained in a record that  
20 is sealed, conditionally under seal, or subject to a pending motion;
- 21 3. A substantial probability exists that the overriding interests will be  
22 prejudiced if the record is not sealed;
- 23 4. The proposed sealing is narrowly tailored, because sealing the defendant's  
24 motion is only necessary as long as the grand jury transcript is under seal;  
25 and
- 26 5. No less restrictive means exist to achieve the overriding interests.  
27 (See California Rules of Court, rules 2.550(d); 2.55(c))

28 / / /

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20           is sealed, conditionally under seal, or subject to a pending motion;  
21       3. A substantial probability exists that the overriding interests will be  
22           prejudiced if the record is not sealed;  
23       4. The proposed sealing is narrowly tailored, because sealing the defendant's  
24           motion is only necessary as long as the grand jury transcript is under seal;  
25           and  
26       5. No less restrictive means exist to achieve the overriding interests.  
27           (See California Rules of Court, rules 2.550(d); 2.55(c))

28       ///

1 THEREFORE, IT IS ORDERED that Weissman's Motion to Seal is GRANTED.  
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3 SO ORDERED.  
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5 Dated: 12/13, 2019  
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8 HON. HAROLD W. HOPP  
9 Judge, Superior Court of California  
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